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# GOVERNMENT GAZETTE

## BOLETIM OFICIAL

### SUPPLEMENT

#### (SUPLEMENTO)

The Goa, Daman and Diu Village Panchayats Regulations, 1962, published in Part III Section I of the Government of India Gazette Extraordinary dated 11-9-1962, is hereby republished for general information.

### THE GOA DAMAN AND DIU VILLAGE PANCHAYATS REGULATION, 1962

No. 9 of 1962

Promulgated by the President in the Thirteenth Year of the Republic of India.

A Regulation to provide for the establishment of Panchayats in the Union territory of Goa, Daman and Diu and for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

#### CHAPTER I

##### Preliminary

1. (1) This Regulation may be called the Goa, Daman and Diu Village Panchayats Regulation, 1962. Short title and extent.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

2. In this Regulation, unless the context otherwise requires, — Definitions.

- (a) «building» includes a house, outhouse, stable, privy, urinals, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other structure whether of masonry, bricks, wood, metal or any other material, but does not include a temporary structure erected on ceremonial or festive occasion or a tent;
- (b) «chairman» and «vice-chairman» mean respectively the chairman and vice-chairman of a Panchayat;

- (c) «Chief Secretary» means the Chief Secretary of Goa, Daman and Diu Administration;
- (d) «land» includes land which is built upon or covered with water;
- (e) «Lieutenant-Governor» means the Administrator of the Union territory of Goa, Daman and Diu;
- (f) «notification» means a notification published in the Official Gazette;
- (g) «octroi» means a tax on the entry of goods into the area within the jurisdiction of a Panchayat for consumption, use or sale therein;
- (h) «Official Gazette» means the Goa, Daman and Diu Gazette;
- (i) «Panchayat» means a Panchayat established under section 3;
- (j) «prescribed» means prescribed by rules made under this Regulation;
- (k) «public street» means a pathway, road, street, square, court, alley, cart track, foot-path or riding path over which the public have a right of way, whether a thoroughfare or not, and includes —
  - (i) the road-way over any public bridge or cause-way;
  - (ii) the foot-way attached to any such street, road, public bridge or cause-way;
  - (iii) the drains attached to any such street, road, public bridge or cause-way and the land which lies on either side of the road-way upto the boundaries of the adjacent property;
- (l) «Schedule» means a Schedule to this Regulation;
- (m) «tax» means a tax, cess, rate or other impost, but does not include a fee;
- (n) «term of a Panchayat» means the period for which the members of a Panchayat shall hold office under section 21;
- (o) «village» means any local area declared under section 3 to be a village for the purposes of this Regulation.

## CHAPTER II

### Gram Sabhas — Establishment and Constitution of Panchayats and Elections

Declaration of villages and establishment of Panchayats.

3. (1) After making such inquiry as he thinks necessary, the Lieutenant-Governor may, by notification, declare any local area, comprising a village or a group of villages or any part or parts thereof or a combination of any two or more of them, to be a village for the purposes of this Regulation.

(2) For every village, there shall be a Panchayat as from such date as the Lieutenant-Governor may, by notification, appoint.

Gram Sabha.

4. As from the date appointed under section 3, all persons whose names are for the time being entered as electors in the electoral roll for a village shall be deemed to constitute the Gram Sabha for that village.

Meetings of Gram Sabha.

5. (1) There shall be held at least two meetings of the Gram Sabha every year on such date and at such time and place as may be prescribed:

Provided that the chairman shall, upon a requisition in writing by not less than one-fifth of the

number of members and within thirty days of the receipt of such requisition, call an extraordinary general meeting of the Gram Sabha.

(2) The chairman or, in his absence, the vice-chairman, or, in the absence of both, any person chosen by the Gram Sabha shall preside at such meeting.

(3) One-tenth of the total number of members of the Gram Sabha shall form the quorum for a meeting.

6. (1) The Panchayat shall place before the Gram Sabha —

Work at General Meeting.

- (a) the annual statement of accounts;
- (b) the report on the administration of the preceding financial year;
- (c) the development and other programmes of work proposed for the current financial year;
- (d) the last audit report and replies made thereto;
- (e) proposals for fresh taxation or enhanced taxation and any new programme not covered by clauses (a) and (c); and
- (f) proposals for organising community service, voluntary labour or mobilisation of the local people for any specific work included in any programme.

(2) It shall be open to the Gram Sabha to discuss any or all of the matters placed before it under sub-section (1) and the Panchayat shall consider the suggestions, if any, made by the Gram Sabha.

(3) A Gram Sabha shall carry out such other functions as the Lieutenant-Governor may, by general or special order, require.

7. (1) A Panchayat shall consist of such number of members as the Lieutenant-Governor may, by order, determine, so far as may be in accordance with the following Table: —

Constitution of Panchayats.

TABLE

For a Panchayat with a population of	Number of members
(1) 1,500 or more but not more than 2,500	5;
(2) more than 2,500 but not more than 3,500	7;
(3) more than 3,500	9.

(2) All the members of a Panchayat shall be elected.

(3) Of the total number of members of a Panchayat, at least one shall be a woman and accordingly —

(a) if there is only one woman candidate at the election, she shall be declared elected;

(b) if there are more woman candidates than one at the election, the candidate who secures the largest number of votes among such woman candidates shall be declared elected.

(4) Where there is no woman candidate at the election, the male candidates duly elected or deemed under sub-section (5) to have been duly elected, shall co-opt as member a woman who is otherwise qualified to be elected as a member of the Panchayat.

(5) Subject to the provisions of sub-sections (3) and (4), if, for any reason, an election does not result in the return of the required number of qualified persons willing to take office, the Lieutenant-

-Governor shall, as soon as possible, appoint from persons qualified to be elected, such number of persons as are necessary to make up the required number, and the persons so appointed shall be deemed to have been duly elected.

Incorporation of Panchayats.

8. Every Panchayat shall, by the name specified by the Lieutenant-Governor in this behalf, be a body corporate having perpetual succession and a common seal and shall, subject to such restrictions and conditions imposed by or under this Regulation, have power to acquire, hold or dispose of property, both movable and immovable, and to contract and shall by the said name sue or be sued.

Alteration in area of Village.

9. (1) The Lieutenant-Governor may, after consultation with the Panchayat or Panchayats concerned, at any time by notification —

- (a) include any area within the limits of a village, or
- (b) exclude any area from the limits of a village, or
- (c) declare that any village shall cease to exist by reason of its inclusion in another village or in any Municipal or other local area.

(2) Where, by a notification under sub-section (1), any area is included within the limits of a village, the jurisdiction of the Panchayat established for that village shall extend to such area which shall become subject to all notifications, rules, bye-laws and orders made under this Regulation or any other law in force in that village.

(3) Where, by a notification under sub-section (1), any area is excluded from the limits of a village, the jurisdiction of the Panchayat established for that village over such area shall thereupon cease and all notifications, rules, bye-laws and orders made under this Regulation or any other law in force in that village shall cease to apply to that area.

(4) Where, by a notification under sub-section (1), a village ceases to exist the Panchayat established for it shall stand dissolved and the assets and liabilities of the Panchayat shall be disposed of in the prescribed manner.

Qualification for membership.

10. A person shall not be qualified to be chosen as a member of a Panchayat unless his name is entered as an elector in the electoral roll for the village for which it is established.

Disqualification for membership.

11. A person shall be disqualified for being chosen as, and for being, a member of a Panchayat if he —

- (a) is not a citizen of India; or
- (b) is under twenty-five years of age; or
- (c) holds any office of profit under the Central Government, any State Government or the Panchayat or any other local authority; or
- (d) has been dismissed on or after the twentieth December, 1961, from the service of the Government or any local authority for misconduct unless a period of five years has elapsed from such dismissal; or
- (e) has directly or indirectly any share or monetary interest in any work done by or to the Panchayat or any contract or employment with, under or by or on behalf of, the Panchayat; or
- (f) is an undischarged insolvent; or

- (g) is of unsound mind and stands so declared by a competent court; or
- (h) is suffering from infectious leprosy; or
- (i) has been convicted by a criminal court of any offence involving moral turpitude and sentenced to imprisonment for not less than six months and five years have not elapsed since his release; or
- (j) is in arrear for such period as may be prescribed of any tax, fee or other sum due to the Panchayat.

12. If any question arises as to whether a member of a Panchayat has become subject to any disqualification referred to in section 11, it shall be referred to the prescribed authority for decision and his decision thereon shall be final.

Decision on questions as to disqualification.

13. (1) Every person who is a citizen of India and not less than twenty-one years of age on the prescribed date and who is ordinarily resident in a village shall be entitled to be registered as an elector in the electoral roll for that village:

Electors and electoral rolls.

Provided that a person shall not be so entitled if he is of unsound mind and stands so declared by a competent court.

*Explanation.* — A person shall be deemed to be ordinarily resident in a village if he has been ordinarily residing therein or is in possession of a dwelling house therein ready for occupation.

(2) The electoral roll for a village shall be prepared in accordance with such rules as may be made in this behalf by the Lieutenant-Governor.

14. Every person whose name is, for the time being, entered in the electoral roll for a village as an elector shall be entitled to vote at the election of a member of the Panchayat for that village.

Right to vote.

15. The election of members of a Panchayat shall be held in accordance with such rules as may be made in this behalf by the Lieutenant-Governor on such date or dates as the Lieutenant-Governor may, by notification, direct:

Election of members.

Provided that a casual vacancy shall be filled as soon as may be after the occurrence of the vacancy:

Provided further that no election shall be held to fill up a casual vacancy occurring within three months prior to the general election for a Panchayat under this section.

16. (1) If the validity of an election of a member of a Panchayat is called in question by any person qualified to vote at the election to which such question relates, such person may, at any time within fifteen days after the date of declaration of the result of the election, apply to the prescribed authority in such form as may be prescribed for the determination of such question.

Dispute as to validity of election.

(2) If, on receipt of an application under subsection (1) and after making such inquiry as he considers necessary, the prescribed authority is satisfied —

- (a) that any member who has been elected was on the date of election subject to any of the disqualifications specified in section 11, or
- (b) that any corrupt practice has been committed by any member who has been elected or by any other person with the consent of such member, or

(c) that the result of the election, in so far as it concerns an elected member, has been materially affected—

- (i) by any corrupt practice committed in the interest of the elected member by any person without the consent of such member, or
- (ii) by any non-compliance with the provisions of this Regulation or any rules or orders made thereunder, the prescribed authority shall declare the election of such member to be invalid, and such declaration shall be final:

Provided that no election of a member shall be declared invalid on the ground that such member committed a corrupt practice unless he has been given an opportunity to show cause against such declaration.

(3) Where the prescribed authority declares the election of any member to be invalid on the ground that he committed a corrupt practice, the prescribed authority may declare such member to be disqualified from exercising any electoral right or from being a member of any Panchayat for such period not exceeding five years as he may determine.

(4) A person shall be deemed to have committed a corrupt practice if he, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration or holds out any promise of individual profit or any threat of injury to any person.

Fresh elections.

17. If the prescribed authority declares the election of any member to be invalid, a fresh election for the vacancy so caused shall be held in accordance with the provisions of this Regulation.

Jurisdiction of civil courts in election matters barred.

18. No civil court shall have jurisdiction to question the legality of any action taken or any decision given by the prescribed authority in connection with the conduct of elections under this Regulation.

Election of Chairman and Vice-Chairman.

19. (1) At the first meeting of a Panchayat to be called on a date fixed by the Lieutenant-Governor, the members of the Panchayat shall elect, from amongst themselves, a chairman and a vice-chairman.

(2) Such officer as may be specified in this behalf by the Lieutenant-Governor shall preside at such meeting but shall not have the right to vote.

(3) No business other than the election of the chairman and vice-chairman shall be transacted at such meeting.

(4) In case of equality of votes, the result of the election shall be decided by lots drawn in the presence of the officer aforesaid in such manner as he may determine.

(5) In the event of a dispute arising as to the validity of the election of the chairman or the vice-chairman, the dispute shall be referred to such authority as may be specified by notification by the Lieutenant-Governor and the decision of such authority thereon shall be final.

Chairman to be the executive.

20. The executive powers of the Panchayat under this Regulation and the responsibility for the due fulfilment of the duties imposed on the Panchayat under this Regulation and for carrying out the resolutions of the Panchayat shall vest in the chairman:

Provided that the chairman may by order delegate any of his powers under this Regulation to the vice-chairman subject to such restrictions and conditions as may be specified in the order.

21. (1) The members of a Panchayat shall hold office for a term of four years:

Term of office of chairman and other members.

Provided that the Lieutenant-Governor may, by order in writing and for reasons to be recorded, extend the said term by a period not exceeding one year, and every such order shall be notified in the Official Gazette.

(2) The term of office of the members shall be deemed to commence on the date of the first meeting of the Panchayat which shall be held on a date fixed by the Lieutenant-Governor.

(3) The term of office of outgoing members shall be deemed to extend to and expire with the date preceding the date of such meeting.

(4) The chairman and the vice-chairman shall hold office for the term of the Panchayat including the extended term, if any:

Provided that the chairman shall, after the expiry of his term, continue to carry on the current duties of his office until a new chairman is elected and takes over charge.

22. (1) As soon as may be after the first meeting of the Panchayat, every member thereof shall take the oath of office before such officer as the Lieutenant-Governor may specify in this behalf, in the form set out in the First Schedule.

Oath of office.

(2) No member who has not taken such oath shall vote or take part in the proceedings of any meeting nor shall he be included as a member of any committee constituted by the Panchayat.

23. (1) Any member may resign his office by giving notice in writing to that effect to the chairman, and such resignation shall take effect from the date of its receipt by the chairman.

Resignation of office.

(2) The vice-chairman may resign his office by giving notice in writing to the chairman, but the resignation shall not take effect until it is accepted by the Panchayat.

(3) The chairman may resign his office by giving notice in writing to the Lieutenant-Governor but the resignation shall not take effect until it is accepted by him.

24. (1) A motion of no-confidence may be moved by any member of a Panchayat against the chairman or the vice-chairman after giving such notice thereof as may be prescribed.

Motion of no confidence.

(2) If the motion is carried by a majority of not less than two-thirds of the total number of members of the Panchayat, the chairman or the vice-chairman, as the case may be, shall cease to hold office after a period of three days from the date on which the motion is carried unless he has resigned earlier.

(3) Notwithstanding anything contained in this Regulation, the chairman or the vice-chairman shall not preside over a meeting in which a vote of no-confidence is discussed against him, but he shall have the right to speak or otherwise take part in the proceedings of such meeting.

25. (1) Such authority as may be specified by notification by the Lieutenant-Governor may, after giving due notice to the Panchayat and after such inquiry as such authority thinks fit, remove from office any member or the chairman or vice-chair-

Removal from office.

man of a Panchayat who has been guilty of misconduct or neglect of duty or persistent remissness in the discharge of his duties; and the member, chairman or vice-chairman so removed shall not be eligible for re-election during the remainder of the term of the Panchayat.

(2) Any person who has been removed from his office by the authority referred to in sub-section (1) may, within thirty days from the date of the order, prefer an appeal to the Lieutenant-Governor who may, after giving the appellant an opportunity of being heard, modify, set aside or confirm the order of removal.

(3) The order of removal passed by the authority referred to in sub-section (1) shall not take effect before the period during which an appeal may be preferred under sub-section (2) has expired.

(4) An order passed by the Lieutenant-Governor on appeal shall be final.

(5) Where an appeal has been filed under sub-section (2), the Lieutenant-Governor may stay the operation of the order of the authority referred to in sub-section (1) till the appeal is disposed of.

Casual vacancy.

26. Any casual vacancy in the office of the chairman or the vice-chairman shall be filled for the remainder of his term by election in accordance with the provisions of this Regulation.

Officers and employees of the Panchayat.

27. (1) The Lieutenant-Governor shall appoint a Secretary for every Panchayat.

(2) The Panchayat may appoint such other officers and employees and in such number as from time to time be necessary:

Provided that it shall not create any post not already provided for in the budget except with the previous approval of the Lieutenant-Governor.

Meetings of Panchayat.

28. (1) The time and place of meetings of a Panchayat and the procedure at such meetings shall be such as may be prescribed.

(2) A member of a Panchayat may, at any meeting, move any resolution and put questions to the chairman or the vice-chairman on matters connected with the administration of the Panchayat in the manner prescribed.

(3) No resolution of a Panchayat shall be modified, amended, varied or cancelled by the Panchayat within a period of three months from the date of passing thereof except by a resolution supported by two-thirds of the total number of members of the Panchayat.

Committees.

29. (1) Subject to such rules as may be made in this behalf, a Panchayat may appoint from among its members a Finance, Administration and General Committee, a Social Services Committee, a Production Committee and such other Committees for the efficient discharge of its duties as may be considered necessary.

(2) A Panchayat may temporarily associate with any Committee one or two persons, not being members of the Panchayat, who have special experience and knowledge of any subject dealt with by a Committee and any such person shall have the right to take part in the discussions of the Committee but shall not have the right to vote, and shall not be a member for any other purpose.

Proceedings not to be invalid.

30. No act or proceeding of a Panchayat or of any Committee thereof shall be deemed to be invalid



by reason only of the existence of any vacancy in, or defect in the constitution of, the Panchayat or the Committee or of any informality in its proceedings.

### CHAPTER III

#### Powers, Duties and Functions of a Panchayat

31. (1) It shall be the duty of every Panchayat so far as its Fund may allow to make reasonable provision within its jurisdiction in regard to the matters specified in the Second Schedule. Duties and functions.

(2) A Panchayat may also make provision for carrying out within the area comprised within its jurisdiction any other work or measure which is likely to promote the health, safety, education, comfort, convenience or social or economic well-being of the residents of the area.

32. A Panchayat shall have control of all roads, streets, waterways, bridges and culverts which are situated within its jurisdiction not being private property or not being under the control of the Government and may do all things necessary for the maintenance and repair thereof, and in particular, may — Public streets and waterways.

- (a) lay out and make new roads,
- (b) construct new bridges and culverts,
- (c) widen, open, enlarge or otherwise improve any such road, bridge or culvert and plant and preserve trees on the sides of such roads,
- (d) deepen or otherwise improve waterways under its control, and
- (e) cut any hedge or branch of any tree projecting on any public road or street.

33. The Lieutenant-Governor may entrust to the Panchayat, the execution, maintenance or repair of any work or the management of any institution on behalf of the Government or any local authority: Transfer of any work or institution to Panchayat.

Provided that the funds necessary for the execution, maintenance or repair of the work or the management of the institution shall be placed at the disposal of the Panchayat by the Government or such local authority.

34. (1) Subject to the rules made under this Regulation, a Panchayat may organise a village volunteer force consisting of able-bodied males residing in the village who are between the ages of 21 and 40 and who are willing to join the force and place such force under the command of a suitable person. Village volunteer force.

(2) The services of the village volunteer force may be utilised for general watch and ward purposes and in cases of emergency like fire, floods, out-break of epidemics or any other natural calamity.

(3) No member of the force shall be held liable for damages on account of any act done by him in the *bona fide* discharge of his duties as a member of such force.

35. Every contract or agreement entered into by a Panchayat shall be in writing and shall be signed by the chairman or, in his absence, by the vice-chairman and by one other member of the Panchayat and sealed with the common seal of the Panchayat. Execution of contracts.

### CHAPTER IV

#### Finance, Property and Accounts

36. (1) There shall be a Panchayat Fund for each Panchayat and the same shall be utilized for carrying Panchayat Fund.

out the duties and obligations imposed upon the Panchayat by this regulation.

(2) The following shall be credited to and form part of the Panchayat Fund, namely:—

- (a) the proceeds of any tax or fee imposed under this Regulation and of any tax or fee imposed under any other law and transferred to the Fund;
- (b) the contributions made by the Government or any local authority or person;
- (c) the income from securities in which the Panchayat Fund is invested;
- (d) all sums received by way of loans or gift;
- (e) the income from or proceeds of any property of the Panchayat;
- (f) the sale proceeds of all dust, dirt, dung or refuse collected by the employees of the Panchayat;
- (g) sums assigned to the Panchayat Fund by any general or special order of the Government;
- (h) all sums received in aid of or for expenditure on any institution or service, maintained or financed from the Panchayat Fund or managed by the Panchayat.

(3) The amount in the Panchayat Fund shall be applied subject to the provisions and for the purposes of this Regulation and shall be kept in such custody as may be prescribed.

#### Grants.

37. The Lieutenant-Governor may, subject to such conditions as he may deem fit, make grants to a Panchayat for general purposes or for the improvement of the area within its jurisdiction and the welfare of the residents therein.

#### Property vested in the Panchayat.

38. (1) All public property situated within the jurisdiction of a Panchayat shall vest in and belong to the Panchayat and be under its direction, management and control.

(2) All markets and fairs or such portion thereof as are held upon public land shall be managed and regulated by the Panchayat and all dues levied or imposed and received in respect thereof shall be credited to the Panchayat Fund.

#### Taxes which may be imposed.

39. (1) Subject to the rules made under this Regulation, a Panchayat may levy—

- (a) a tax on the owners or occupiers of buildings;
- (b) a tax on vehicles other than mechanically propelled vehicles kept within the jurisdiction of the Panchayat;
- (c) a lighting tax;
- (d) a drainage tax;
- (e) a pilgrim tax;
- (f) a tax on professions, trades, callings and employments;
- (g) an entertainment tax;
- (h) octroi;
- (i) fees for sale of goods in markets, melas, fairs and festivals;
- (j) fee for grazing of cattle in grazing lands under the management of the Panchayat;
- (k) fees on cart-stands, tonga-stands and other public parking places;
- (l) fee for providing the watch and ward of crops in the village; and
- (m) licence fee for plying of public ferry.

(2) The taxes and fees referred to in sub-section (1) shall be imposed, assessed and realised in such manner and at such times as may be prescribed.

40. Any person aggrieved by the assessment, levy or imposition of any tax or fee may appeal to the prescribed authority within thirty days of the date of the order imposing such tax or fee.

Appeal against levy of tax, etc.

41. The Lieutenant-Governor may, by notification, suspend the levy or imposition of any tax or fee and may at any time in like manner rescind such suspension.

Suspension of levy of tax or fee.

42. It shall be lawful for a Panchayat to lease by public auction or private contract the collection of any fee on markets and bazaars if any such fee is imposed under section 39:

Lease of markets, etc.

Provided that a lessee shall give security for the due fulfilment of the conditions of the lease or contract.

43. (1) When any tax or fee or other sum due to a Panchayat has become payable, the Panchayat shall, with the least practicable delay, cause to be sent to the person liable for the payment thereof a demand notice in the prescribed form for the amount due from him and require him to pay the amount within thirty days from the date of such notice.

Recovery of taxes and other duties.

(2) Every notice of demand under sub-section (1) shall be served in such manner as may be prescribed.

(3) If the sum for which a notice of demand has been served is not paid within thirty days from the date of such notice, the Panchayat may apply to the prescribed authority for its recovery as an arrear of land revenue.

44. Every Panchayat shall maintain accounts of its receipts and expenditure in such form as may be prescribed.

Accounts.

45. (1) The chairman shall prepare annually, on or before such date and in such form as may be prescribed, a budget estimate of the income and expenditure of the Panchayat for the next financial year.

Annual estimate of expenditure.

(2) The Panchayat shall, as soon thereafter as may be, consider the budget estimate and approve the same without any modification or with such modifications or changes as it may consider necessary.

(3) A copy of the budget estimate shall be forwarded without delay to the prescribed authority but not later than the 1st March.

(4) No expenditure shall be incurred by a Panchayat unless it is included in the budget estimate which has been approved by the Panchayat.

(5) A Panchayat may, at any time, during the year for which annual budget estimate has been approved, cause a revised or supplementary budget estimate to be prepared which shall be considered and approved by the Panchayat in the same manner as an original budget estimate:

Provided that a copy of the revised or supplementary budget estimate shall be forwarded to the prescribed authority within such time as may be prescribed.

46. (1) The accounts of every Panchayat shall be audited annually in such manner as may be prescribed.

Audit.

(2) The audit shall be carried out by such officer as the Chief Secretary may appoint in this behalf, and that officer shall, within one month of the completion of the audit, forward copies of the audit report to the Chief Secretary and the Panchayat.

(3) The Chief Secretary may, after considering the report and after making such further inquiry as he may consider necessary, disallow any item which appears to him contrary to law and surcharge the same on the person making or authorising the illegal payment, and shall —

(a) if such person is a member of the Panchayat, proceed against him in the manner specified in sub-sections (2) and (3) of section 51; and

(b) if such person is not a member of the Panchayat, obtain the explanation of the person and direct such person to pay to the Panchayat the amount surcharged within a specified period; and if the amount is not paid within the specified period, the Chief Secretary shall cause it to be recovered as an arrear of land revenue and credited to the Panchayat Fund.

(4) Any person aggrieved by an order of the Chief Secretary under sub-section (3), may within thirty days of the date of the order, prefer an appeal to the Lieutenant-Governor whose decision on such appeal shall be final.

#### Administration Report.

47. (1) Every Panchayat shall submit annually to the prescribed authority a report on the administration of the Panchayat during the previous year.

(2) The report shall be prepared by the chairman and after it is approved by the Panchayat shall be forwarded to the prescribed authority with a copy of the resolution of the Panchayat thereon.

### CHAPTER V

#### Control of Panchayats

#### Power to call for proceedings.

48. The Chief Secretary or any officer authorised by the Lieutenant-Governor (in this Chapter and in Chapter VI referred to as «the authorised officer») shall have power —

(a) to call for —

(i) any extract from the proceedings of a Panchayat, or any book, record, correspondence or documents in the possession or under the control of a Panchayat; or

(ii) any return, plan, estimate, statement, account or report, for the purpose of inspection or examination; and

(b) to require a Panchayat to take into consideration —

(i) any objection which appears to the said officer to exist to the doing of anything which is about to be done or is being done by such Panchayat; or

(ii) any information which the said officer is able to furnish and which appears to him to necessitate the doing of a certain thing by the Panchayat, and to make a written reply to him,

within a reasonable time, stating its reasons for not desisting from doing or for not doing such things.

49. If, at any time, it appears to the authorised officer that a Panchayat has made wilful and persistent default in the performance of any duty imposed on it by this Regulation, he may, by order in writing, fix a period for the performance of that duty. If the duty is not performed within the period so fixed, the authorised officer may appoint any person to perform it and direct that the expenses of the performance of the duty shall be paid by the defaulting Panchayat within such period as he may think fit.

Default in performance of duty by Panchayats.

50. (1) If, in the opinion of the authorised officer, the execution of any order or resolution of a Panchayat or the doing of anything which is about to be done or is being done by or on behalf of a Panchayat is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace or is unlawful, he may, by order in writing, suspend the execution or prohibit the doing thereof.

Suspension of execution of order or resolution of Panchayat.

(2) When the authorised officer makes an order under sub-section (1), he shall forthwith send to the Panchayat affected thereby a copy of the order together with a statement of the reasons for making it.

(3) The authorised officer shall forthwith submit to the Chief Secretary a report of the circumstances in which the order was made under this section and the Chief Secretary may, after giving notice to the Panchayat and making such inquiry as he deems fit, rescind, modify or confirm the order.

51. (1) Every member of a Panchayat shall be personally liable for the loss, waste or misapplication of any money or other property of the Panchayat to which he has been a party or which has been caused or facilitated by his misconduct or wilful neglect of his duty as a member amounting to fraud.

Liability of members for loss, waste, or misapplication.

(2) If, after giving the member concerned a reasonable opportunity for showing cause to the contrary, the authorised officer is satisfied that the loss, waste or misapplication of any money or other property of the Panchayat is a direct consequence of misconduct or wilful neglect on the part of such member, he shall, by order in writing, direct such member to pay to the Panchayat before a fixed date, the amount required to reimburse it for such loss, waste or misapplication:

Provided that no such order shall be made for *bona fide* or technical irregularities or mistakes of a member.

(3) If the amount is not so paid, the authorised officer shall recover it as an arrear of land revenue and credit it to the Panchayat Fund.

(4) An order of the authorised officer shall be subject to an appeal to the Chief Secretary if made within thirty days of the date of the order.

52. (1) If, in the opinion of the Lieutenant-Governor, a Panchayat —

Dissolution of Panchayat.

- (a) exceeds or abuses its powers, or
- (b) is incompetent to perform, or makes wilful and persistent default in the performance of, the duties imposed on it by or under this Regulation or any other law for the time being in force, or
- (c) fails to levy the taxes leviable under this Regulation, or

- (d) persistently disobeys the order of the authorised officer made under sub-section (1) of section 50,

the Lieutenant-Governor may, by order published in the Official Gazette, dissolve the Panchayat and direct that it shall be reconstituted in the manner provided in this Regulation.

(2) No order under sub-section (1) shall be passed without giving to the Panchayat a reasonable opportunity to render an explanation.

(3) If a Panchayat is dissolved under sub-section (1), the following consequences shall ensue, namely:—

- (a) all the members of the Panchayat shall, from the date specified in the Order, cease to be members;
- (b) all powers and duties of the Panchayat shall, during the period of dissolution of the Panchayat, be exercised and performed by such person or persons as the Lieutenant-Governor may appoint in this behalf.

Disputes between Panchayats.

53. If any dispute arises between two or more Panchayats, it shall be referred to the Lieutenant-Governor and his decision thereon shall be final.

Lieutenant-Governor may call for proceedings.

54. The Lieutenant-Governor may call for and examine the record of the proceedings of any officer or Panchayat for the purpose of satisfying himself as to the legality or propriety of any order passed and may revise or modify the order as he may deem fit.

#### CHAPTER VI

##### Miscellaneous

Power of entry.

55. The authorised officer may authorise any of his officers to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any Panchayat or any work in progress under its direction.

Bar of action against Panchayat, etc., and previous notice before institution.

56. (1) No action shall lie against any member, officer, employee or agent of a Panchayat in respect of anything done in good faith under this Regulation or any rule or bye-law made thereunder.

(2) No action shall be brought against any Panchayat or any member, officer, employee or agent of such Panchayat for anything done or purporting to be done under this Regulation, until the expiration of two months next after notice in writing has been left or delivered at the office of the Panchayat and also at the residence of the member, officer, employee or agent thereof against whom the action is intended to be brought. The notice shall state the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the person who intends to bring the action.

(3) Every such action shall be commenced within six months after the accrual of the cause of action and not afterwards.

Members, etc., of Panchayat to be public servants.

57. Every member of a Panchayat and every officer and employee maintained by or employed under a Panchayat shall be deemed to be a public servant within the meaning of the provisions of the law relating to disciplinary action in force in the Union territory of Goa, Daman and Diu.

Members to refrain from taking part at sales.

58. No member of a Panchayat or other officer having any duty to perform in connection with any sale under this Regulation shall directly or indi-

rectly bid for, or acquire any interest in, any property sold at such sale.

59. The Lieutenant-Governor may, by notification and subject to such restrictions and conditions as may be specified therein, authorise the Chief Secretary or any other officer subordinate to the Lieutenant-Governor to exercise in respect of Panchayats any of the powers which may be exercised by the Lieutenant-Governor under this Regulation except the power to make rules under section 65 and the Power to frame bye-laws under section 66.

Delegation of powers.

60. Every police officer shall give immediate information to the Panchayat of an offence coming to his knowledge which has been committed against this Regulation or any rules made thereunder and shall assist all members and employees of the Panchayat in the exercise of their lawful authority.

Powers and duties of police in respect of offences and assistance to Panchayats.

61. Every Panchayat shall classify and preserve its records in the manner prescribed.

Classification and preservation of records.

62. Every Panchayat shall, on application made to it by any person interested, allow inspection of its records, and grant certified copies thereof on payment of the prescribed fee.

Inspection and copies of records.

63. The provisions of this Regulation shall have effect notwithstanding anything inconsistent therewith contained in any other law in force in the Union territory of Goa, Daman and Diu.

Effect of other laws.

64. If any difficulty arises in giving effect to the provisions of this Regulation, the Lieutenant-Governor may, by order, make such provision as may appear to him to be necessary or expedient for removing the difficulty.

Removal of difficulties.

65. (1) the Lieutenant-Governor may, by notification, make rules to carry out the purposes of this Regulation.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for —

- (a) the meetings of the Gram Sabha and notice of such meetings;
- (b) the preparation and publication of electoral rolls and the conduct of elections to the Panchayat;
- (c) the form of application disputing elections and the procedure for holding inquiry into election disputes;
- (d) the conduct of meetings of Panchayats and the procedure for moving resolutions and putting questions at meetings of Panchayats;
- (e) the appointment, powers, duties and conditions of service of the Secretary and other officers and employees of a Panchayat;
- (f) the appointment of committees and their powers and functions;
- (g) the form of notices to be issued and the manner of their service;
- (h) the organisation of the village volunteer force and the fee that may be levied for watch and ward services;
- (i) the manner of holding inquiries;
- (j) the manner of filing appeals and hearing of such appeals;

- (k) the custody and investment of Panchayat Fund;
- (l) the imposition and assessment of taxes and the realisation of taxes, fees and other dues;
- (m) the form of demand notices and the manner of their service;
- (n) the form of accounts to be maintained by Panchayats and of the annual budget estimates;
- (o) the manner of audit of the accounts of Panchayats;
- (p) the fees for licences granted under this Regulation;
- (q) the fees to be levied by Panchayats for copies of documents and the procedure to be followed in furnishing such copies;
- (r) any other matter which has to be or may be prescribed.

Power to make bye-laws.

66. (1) Subject to the provisions of this Regulation and the rules made thereunder, the Lieutenant-Governor may frame bye-law —

- (a) to prohibit the removal or use of water for drinking purposes from any source which is likely to cause danger to health;
- (b) to prohibit or regulate the discharge of water from any drain or premises on a public street or into a river, pond, tank, well or any other place;
- (c) to prevent damage to public streets;
- (d) to regulate sanitation, conservancy and drainage in the area within the jurisdiction of the Panchayat;
- (e) to prohibit or regulate the use of public streets or other public places by shop-keepers;
- (f) to regulate the manner in which tanks, ponds, and cess pools, pasture lands, playgrounds, manure pits, land for disposal of dead bodies and bathing places shall be maintained and used; and
- (g) to regulate any other duties or functions of a Panchayat.

(2) Any bye-law made under sub-section (1) may provide that a contravention thereof shall be punishable with fine which may extend to rupees ten and in the case of a continuing contravention, with fine which may extend to rupees two for each day during which the contravention continues.

Repeal.

67. Portaria No. 7575 dated 23-7-1959 and any other law in force immediately before the commencement of this Regulation in the Union territory of Goa, Daman and Diu corresponding to this Regulation shall, as from such commencement, stand repealed except as respects things done or omitted to be done thereunder.

Validation of acts done previous to the commencement of this Regulation.

68. All things done, and all steps taken, before the commencement of this Regulation with a view to facilitating the provisional preparation of electoral rolls for the purpose of elections to Panchayats in the Union territory of Goa, Daman and Diu shall, in so far as they are in conformity with the provisions of this Regulation, be deemed to have been done or taken under this Regulation as if it was in force at the time such things were done or such steps were taken.



## THE FIRST SCHEDULE

## Form of oath of office

(See section 22)

I, ..... , having been elected a member of ..... Panchayat do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will duly and faithfully to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour or affection or ill-will.

## THE SECOND SCHEDULE

## Matters within the jurisdiction of Panchayats

(See section 31)

## I — Sanitation and Public Health

1. Sanitation and conservancy.
2. Removal of rubbish and keeping the area of the village in clean condition.
3. Supply of water for domestic use.
4. Construction of hospitals and dispensaries.
5. Maternity and child welfare.
6. Establishment of health institutions for poor children.
7. Family planning.
8. Provision, maintenance and regulation of burning and burial grounds.
9. Regulation by licensing or otherwise of tea, coffee and milk shops and other shops where eatables are served.
10. Construction and maintenance of public latrines.
11. Regulating, checking and abating of offensive or dangerous trade or practice.

## II — Public works

1. Construction, repair and maintenance of village roads, drains, bridges, etc.
2. Lighting of village and planting of trees.
3. Establishment and maintenance of markets, slaughter houses and other works of public utility.
4. Establishment, maintenance and regulation of fairs.
5. Construction, maintenance and control of tonga-stands, cart-stands, bathing and washing ghats and cattle pounds.
6. Extension of village sites and the regulation of buildings and housing schemes in accordance with such principles as may be prescribed.

## III — Planning and Development

Preparation and implementation of plans for the development of the village, including the development of agriculture, animal husbandry, fisheries, village industries and co-operatives, and especially —

- (a) production and distribution of improved seeds, manure and fertilizers;
- (b) promoting the use of improved agricultural implements and making such implements easily available;
- (c) minor irrigation, construction and maintenance of field channels, lift irrigation, digging of wells and tanks, etc.;
- (d) raising, preservation and improvement of village forests, pastures and orchards;
- (e) improvement of cattle and cattle breeding and general care of live-stock;
- (f) providing for organisation, management and development of cottage and small scale industries, especially on a co-operative basis;
- (g) promotion of co-operative farming.

## IV — Administration

1. Administration of common property.
2. Registration of births, deaths and marriages in such manner and in such form as may be prescribed.
3. Numbering of premises.
4. Preparation, maintenance and upkeep of Panchayat records.

## V — Social Welfare

1. Relief to the crippled and the destitute.
2. Construction of low-rent houses to families with yearly income below one thousand rupees.
3. Preventive and relief measures in times of public calamity.
4. Promotion of moral and social welfare activities and encouraging and assisting voluntary organisations and other agencies engaged in such activities.

## VI — Education and Culture

1. Promotion of primary education and assistance in improvement of primary schools.
2. Establishment and maintenance of parks, clubs, akhadas and other places of recreation for the villagers, including women and children.
3. Establishment and maintenance of libraries and reading rooms.

S. RADHAKRISHNAN,

*President.*

R. C. S. SARKAR,

*Secy. to the Govt. of India.*